

REMARKS

This application has been carefully reviewed in light of the non-final Office Action dated July 9, 2008. Claim 59 has been cancelled and claims 1, 3, 9, 38 to 45, 47, 48, 60, and 61 have been amended. Claims 1 to 7, 9 to 24, 26 to 29, 31, 32, 34, 38 to 45, 47 to 50, 52, 53, 58, and 60 to 62 remain in the application, of which claims 1, 3, 9, 18, 28, 38, and 61 are the independent claims. Reconsideration and further examination are respectfully requested.

Allowed Claims

Initially, Examiner Zhen's indication that claims 18 to 24, 26 to 29, 31, 32, and 34 are allowed and that claims 3, 4, 9, and 59 to 61 recite allowable subject matter is acknowledged with appreciation. Independent claim 1 has been amended to recite the substance of allowable claim 59 and allowable claim 61 has been rewritten in independent form. Claims 3 and 9 were rewritten in independent form to include the features of claim 1 as pending at the time of the non-final Office Action of December 12, 2007 when claims 3 and 9 were initially indicated as reciting allowable subject matter. Therefore, an indication of allowability for all claims and early passage to issue are respectfully requested.

Specification Objection

The specification was objected for failing to provide antecedent basis for the term "machine-readable medium," as recited in claim 38. Claim 38 has been amended to recite "tangible medium." Applicants submit that support for the term "tangible medium" may be found, for example, in originally-filed claim 38.

§ 101 Rejections

Claims 38 to 45, 47, and 48 were rejected to as being directed to non-statutory subject matter because "machine-readable medium" is said to cover signals, waves and other forms of transmission media. Applicants have amended claim 38 to recite a "tangible medium." In originally-filed claim 38, "a tangible medium" is distinguished from "a propagated signal." Accordingly, Applicants submit that the term "tangible medium" does not cover signals, waves and other forms of transmission media and Applicants do not intend the term "tangible medium"

to cover the same. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 38 to 45, 47, and 48.

§ 103 Rejections

Claims 1, 2, 5 to 7, 10 to 17, 49, 50, 52, 53, 58 and 62 were rejected under 35 U.S.C. § 103 over U.S. Patent No. 6,721,779 ("Maffeis") in view of U.S. Patent No. 6,738,975 ("Yee") and U.S. Patent Application Publication No. 2006/0059107 ("Elmore"). As indicated above, claim 1 has been amended to recite the substance of allowable claim 59, allowable claim 61 has been rewritten in independent form, and allowable claims 3 and 9 were rewritten in independent form to include the features of claim 1 as pending at the time of the non-final Office Action of December 12, 2007 when claims 3 and 9 were initially indicated as reciting allowable subject matter. Accordingly, withdrawal of these rejections, as moot, and early passage to issue are respectfully requested.

The remaining claims in the application are each dependent on the independent claims, and are thus believed to be allowable for at least the same reasons. Because each claim is deemed to define additional aspects of the disclosure, however, the individual consideration of each claim on its own merits is respectfully requested.

Conclusion

All of the pending issues have been addressed. However, the absence of a reply to a specific rejection, objection, issue, or comment, including the Office Action's characterizations of the references, does not signify agreement with or concession of that rejection, issue, or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment or cancellation of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment or cancellation. Since the amendments made herein have been made solely in an effort to expedite advancement of this case, Applicants reserve the right to prosecute the rejected claims in further prosecution of this or related applications.

Applicant : Lise Wiseman et al.
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No other matters being raised, Applicants believe that the entire application is fully in condition for allowance and such action is courteously solicited.

The \$630.00 excess claims fee is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

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